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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,046	09/21/2005	Kris M. Bartol	US030065US	6194
24737 7590 10/19/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CHAO, JUSTIN	
			ART UNIT 4138	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,046

Applicant(s)

BARTOL ET AL.

Examiner

Justin Chao

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on papers through 9/21/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/21/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no translation for foreign patent document DE 4316643 was provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation "The method of claim 13" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is believed "The method of claim 13" is in error for --The method of claim 18--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6, 7, 11-14, 16, 17 and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Norris 5,477,858.

6. Regarding claims 1 and 16, Norris discloses a method and apparatus for the invention as claimed: a user-interface assembly (1022 fig 1), an ultrasonic transducer for transmitting and receiving ultrasonic waves (col 3, ll. 1-8), a screen for displaying (col 5, ll. 20-27), a control unit for processing received waves (fig 1; col 4, l. 33 - col 5, l. 27), and a remote control device wirelessly coupled to control unit with portion of controls (col 205, ll. 1-17).

7. Regarding claims 2 and 17, Norris discloses the invention as claimed and as discussed above. Norris further discloses: controls on remote control device include predetermined, most frequently used controls of controls on user-interface input section (col 5, ll. 20-23 where it is inherent that buttons on a remote control will be frequently used).

8. Regarding claim 3, Norris discloses the invention as claimed and as discussed above. Norris further discloses: controls on remote control include at least one of a

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focus adjustment control, a gain adjustment control, a depth adjustment control and a mode selection control (col 183, ll. 38-53).

9. Regarding claim 6, Norris discloses the invention as claimed and as discussed above. Norris further discloses: cooperating communication means for enabling transmission and reception of signals at least from said remote control device to said control unit (col 205, ll. 18-25).

10. Regarding claim 7, Norris discloses the invention as claimed and as discussed above. Norris further discloses: control unit and user-interface assembly being arranged in connection with a housing including mounting means for detachably mounting remote control device (fig 1 illustrating control unit and user-interface assembly housing in which the remote control may be placed in and thereby detachably mounted).

11. Regarding claim 11, Norris discloses the invention as claimed and as discussed above. Norris further discloses: an adjustable pointing mechanism (col 198, l. 61 - col 199 disclosing a trackball).

12. Regarding claims 12 and 20, Norris discloses the invention as claimed and as discussed above. Norris further discloses: a trackball (col 198, l. 61 - col 199).

13. Regarding claim 13, Norris discloses the invention as claimed and as discussed above. Norris further discloses: remote control device includes attachment means for attaching remote control device to an object (fig 1 illustrating a storage area for the remote control device to be placed in; the device is inherently attached to the system when stored).

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14. Regarding claim 14, Norris discloses the invention as claimed and as discussed above. Norris further discloses: a housing with attachment means being arranged on a rear surface of housing (fig 1 illustrating remote control housing which may be placed in above storage area with rear surface in contact with storage area surface).

Claim Rejections - 35 USC § 103

15. Claims 4, 5, 8-10, 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris 5,477,858 in view of Berger 2004/0015079.

16. Regarding claim 4, Norris discloses the invention as claimed and as discussed above.

17. However, Norris does not disclose the following limitations: controls on remote control device include a focus adjustment control, a gain adjustment control, a depth adjustment control and mode selection controls.

18. Berger teaches within the same field of endeavor: controls on remote control device (9 fig 17A) include a focus adjustment control, a gain adjustment control, a depth adjustment control and mode selection controls (paras 11 and 34).

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Norris in view of Berger in order to provide controls which are "readily accessible and intuitive in use" as taught by Berger (para 13).

20. Regarding claim 5, Norris discloses the invention as claimed and as discussed above.

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21. However, Norris does not disclose the following limitations: a processing unit for forming and transmitting wireless (RF) signals based on manipulation of controls.

22. Berger teaches within the same field of endeavor: a processing unit for forming and transmitting wireless (RF) signals based on manipulation of controls (1024 fig 24; para 300).

23. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Norris in view of Berger in order to allow the operator to "continue scanning with a free hand while continuing to control the ultrasonic imaging system" as taught by Berger (para 21).

24. Regarding claims 8 and 18, Norris discloses the invention as claimed and as discussed above.

25. However, Norris does not disclose the following limitations: a touch screen programmable to display controls.

26. Berger teaches within the same field of endeavor: a touch screen programmable to display controls.

27. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Norris in view of Berger in order to allow the operator to "continue scanning with a free hand while continuing to control the ultrasonic imaging system" as taught by Berger (para 21).

28. Regarding claims 9 and 19, Norris in view of Berger discloses the invention as claimed and as discussed above. Norris further discloses: a pointing region for enabling

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positional adjustment of an indicator on screen (col 198, l. 61 - col 199, l. 9 where a pointing region would be inherent since the trackball is used as a cursor control device).

29. Regarding claims 10 and 20, Norris in view of Berger discloses the invention as claimed and as discussed above. Norris further discloses: a trackball on the remote control device for enabling positional adjustment (col 198, l. 61 - col 199).

30. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris 5,477,858 in view of Springer 5,365,623.

31. Regarding claim 15, Norris discloses the invention as claimed and as discussed above.

32. However, Norris does not disclose the following limitations: a pair of clamps, springs for coupling clamps to one another and a handle for moving one of clamps toward the other of clamps.

33. Springer teaches within the same field of endeavor: a pair of clamps (42 figs 2 and 3), springs for coupling clamps to one another (col 4, ll. 39-41) and a handle for moving one of clamps toward the other of clamps (42 fig 3 where the lower jaw of clamp is the handle).

34. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Norris in view of Springer in order to provide "an apparatus that detachably attaches to the bed side rail and which is capable of supporting a [device] when attached to the bed side rail" as taught by Springer (col 2, ll. 8-11).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Chao whose telephone number is 571-270-3072. The examiner can normally be reached on Mon-Fri, alt Fri off, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin Chao/
10/16/07


KIMBERLY S. SMITH
PRIMARY EXAMINER
10/16/07